

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

In Re: GEORGE S. BEVINS,

Debtor

Address: 100 Starks Knob Road  
Schuylerville, NY 12871

Last four digits of Social Security No. 3595

Index No. 10-12856

Chapter 13

**NOTICE OF BANKRUPTCY  
AND EFFECT OF AUTOMATIC STAY**

Defendant and debtor, GMAC Mortgage, LLC (hereafter "Debtor"), by and through their undersigned counsel, in accordance and consistent with section 362(a) of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* (the "Bankruptcy Code"), respectfully submit this Notice of Bankruptcy and Effect of Automatic Stay, and states as follows:

1. On May 14, 2012 (the "Petition Date"), the Debtor and certain of their affiliates filed voluntary petitions (the "Petitions") under Chapter 11 of Title 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004-1408 (the "Bankruptcy Code"). The Debtor's case is jointly administered under the Chapter 11 Case for the Debtor Residential Capital, LLC, et al., is indexed as case number 12-12020.

2. The "automatic stay" is codified in section 362 of the Bankruptcy Code. Section 362(a), *inter alia*, operates as an automatic stay of: (i) the commencement or continuation of a "judicial, administrative, or other action or proceeding" against the Debtors (11 U.S.C. § 362(a)(1)); (ii) acts to "obtain possession of property" of the Debtors' estates (11 U.S.C. §

362(a)(3)); and (iii) acts to “collect, assess, or recover a claim” against the Debtors arising prior to the Petition Date (11 U.S.C. § 362(a)(6)).

3. Some of the relief sought in the above-captioned action constitutes a “judicial, administrative, or other action or proceeding” against the Debtor, an act to obtain possession of the Debtor’s property, and/or an act to collect or recover on a claim against the Debtor.

4. Accordingly, any action or relief sought against the Debtor in the above-captioned lawsuit should be stayed pursuant to 11 U.S.C. § 362(a).

5. Any action taken against the Debtor without obtaining relief from the automatic stay from the Bankruptcy Court may be void *ab initio* and may result in finding of contempt against Plaintiff by the Bankruptcy Court. The Debtor reserves and retain all of their statutory rights to seek relief in Bankruptcy Court from any action, judgment, order, or ruling entered in violation of the Automatic Stay.

Dated: New York, New York  
June 12, 2012

HINSHAW & CULBERTSON LLP

By: 

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